

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PAUL SIMMERING,

Plaintiff,

V.

**TOM BLANCHARD and CAROL
HOLT, d/b/a COUNCIL OF
MOTORSPORTS CLUBS-ROCKY
MOUNTAIN REGION, INC., and
MICHAEL J. BAURES,**

Defendants.

7:03CV5021

ORDER OF DISMISSAL

This matter is before the court on the plaintiff's MOTION TO DISMISS WITH PREJUDICE (#63). Being fully advised in the premises, the court finds that dismissal is appropriate. Pursuant to Fed. R. Civ. P. 41(a)(2),

IT IS ORDERED:

1. The MOTION TO DISMISS WITH PREJUDICE (#63) is granted.
2. This case is dismissed with prejudice as to each and every claim.
3. Each party shall pay its own costs and attorneys' fees unless otherwise agreed by the parties.

DATED December 2, 2005.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge